IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.28184 of 2008
RAMASHRAY YADAV
Versus
STATE OF BIHAR
WITH
Cr.Misc. No.20144 of 2008
YOGENDRA MAHTO @ YOGESH MAHTO @ YOGESH KUMAR VERMA
Versus
STATE OF BIHAR

2/ 19.08.2008 Since both the above bail applications have arisen out of one occurrence i.e. Konch P.S. Case No. 24 of 2004 they have been heard together and are being disposed of by this common order.

Case has been registered under Section 302 and allied Sections of the Indian Penal Code, Section 27 of the Arms Act, Section 17 of the C.L.A. Act and 3/4/5 of Explosive Substance Act.

In the night of 12.03.2004 a mob consisting all accused persons came and at the behest of petitioner Ramashray Yadav firing was resorted to by his son Dhananjay Yadav which caused injury to Sudhir Sharma later on he was fired upon by Kedar Mistri. Firing of Kamlesh Yadav killed Kalavati Devi. Shankar Chauhan and other also committed various overt acts. Shankar Chauhan killed the father of Guddu Sharma.

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Submission is that the allegation of giving fatal injury is not upon any of the petitioners. Petitioner Ramashray Yadav has been described as order giver whereas petitioner Yogendra Mahto @ Yogesh Mahto @ Yogesh Kumar Verma has also been described as the person who has asked other accused persons to follow his dictates. No overt acts is against any of the accused persons. Co-accused vijay Prajapat, Kashi Prajapat, Balba have already been enlarged on bail by

different orders of this Court. Shankar Nonia and Sheo Pujan Mahto's prayer for bail have been rejected considering the fact that they are assailants.

Considering the facts and circumstances of the case, the petitioners Ramashray Yadav (in Cr. Misc. No. 28184 of 2008) and Yogendra Mahto @ Yogesh Mahto @ Yogesh Kumar Verma (in Cr. Misc. No. 20144 of 2008) are ordered to be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Gaya in connection with Konch P.S. Case No. 24 of 2004.

kksinha/ **(Shyam Kishore Sharma, J.)**

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